



**South African Communist Party**

# **Constitution**

## **Clauses 8 to 26**

**As amended at the 13th National Congress, July 2012**

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### **8. NATIONAL CONGRESS**

8.1 The highest authority of the SACP shall be a National Congress which shall be called every 5 years. The CC may convene other Special National Congresses which shall have the same power as the main National Congress except for the provisions relating to the election of office bearers and members of the CC. Such a Special National Congress may, however, decide on elections by a 75% majority. A Special National Congress shall be convened by the CC if directed to do so by a decision of more than two-thirds of the provinces.

8.2 The National Congress shall be constituted by elected delegates from the branches and directly elected and co-opted CC members. All SACP provinces shall be represented in proportion to their membership in branches. The CC shall prior to each National Congress determine the total number of elected delegates and shall allocate a quota to each province in proportion to its membership as organized in

branches. The provinces shall then allocate a quota of delegates from the Provincial Executive Committee (PEC) and for branches in proportion to their membership. The CC shall decide the number of voting delegates that the YCL shall be entitled to. The CC shall have the authority to invite non-voting delegates made up of veterans and similar categories. With the permission of the National Congress such delegates may attend and participate in all closed sessions. A Special National Congress shall be constituted on similar lines as a National Congress.

8.3 The National Congress shall discuss the reports of the CC, receive and discuss an audited financial statement and the report of the National Treasurer, examine and decide the policies of the SACP, and shall be, save for the exception provided for in clause 8.1, the only authority with the power to elect the General Secretary, National Chairperson, National Treasurer, 2 Deputy General Secretaries, Deputy National Chairperson, and members of the CC. The Central Committee shall ensure that all major draft documents for the consideration of the National Congress shall be circulated to all structures at least 2 months prior to the Congress. All comments, resolutions and proposals on such documents shall be tabled at the National Congress.

8.4 Unless otherwise decided by the National Congress, its plenary proceedings shall be in open session. Unless otherwise provided for in this constitution, all decisions of the National Congress shall be by a simple majority through a show of hands.

## **9. THE CENTRAL COMMITTEE (CC)**

Unless otherwise provided for in this constitution, the Central Committee (CC) shall have the power to direct the work of the SACP, to determine all questions of policy, and to issue binding instructions and directives to all levels of the SACP, save that any departure from major policy decisions of the National Congress demanded by changing conditions shall only be made after full consultation with the membership. The CC shall:

9.1 Consist of 35 members elected at the National Congress, the General Secretary, National Chairperson, National Treasurer, 1st Deputy General Secretary, Deputy National Chairperson and 2nd Deputy General Secretary and, in addition to those directly elected, the Secretaries and Chairpersons of all the provinces, who, together with the national secretary and national chairperson of the YCL, shall be exofficio members. The General Secretary and 2 Deputy General Secretaries shall constitute the Secretariat, led by the General Secretary. Any Provincial Secretary or Chairperson elected to the CC in his/her own right shall forfeit his/her position on the PEC. The CC shall have the right to co-opt 5 members, apart from veterans. The CC shall include at least one-third women in its make-up, including after co-option. All nominations for the elected members of the CC shall be submitted by provinces to the CC not later than 2 weeks before the National Congress. Nominations from the floor of the

Congress shall be accepted if seconded by a minimum of 40% of Congress delegates. Only a person who has been a member in good standing in the SACP for more than 10 years and has been a SACP or YCLSA PEC member for at least 6 years shall be eligible for election to the CC.

9.2 Meet at least every 4 months in plenary session. Any major draft political reports to be considered by the plenary session shall be timeously circulated to the membership for comments and criticisms.

9.3 Decide on the specific portfolios of the 1<sup>st</sup> and 2nd Deputy General Secretaries, provided these portfolios include policy, organisation-building, campaigns and administration.

9.4 Decide who will be the full-time members of the CC, provided that at least one member of the Secretariat serves full-time.

9.5 Ensure that all elected office bearers, CC members, provincial committees, other party structures and members carry out their duties effectively.

9.6 Control and supervise all national SACP media and set up the necessary structures for their effective functioning.

9.7 Stimulate and provide a flow of education in Marxist-Leninist theory and its application to our conditions for all SACP members, and promote cadre development.

9.8 Inform and guide the membership on current political developments and also provide regular information on SACP organisational activities.

9.9 Represent the SACP nationally in its relations with other political parties and organisations.

9.10 Manage and control all SACP property and funds.

9.11 Have the right by a two-thirds majority (excluding the comrade affected) to remove or suspend any of its members from serving on the CC for any serious misconduct detrimental to the SACP. Any such actions shall be reported to the membership.

9.12 Appoint from among its members the heads of Commissions. Elected CC members shall be obliged to work within a Commission of the SACP as deployed by the CC. Failure to participate in the work of the Commission shall be reported to the CC by the Head of Commission.

9.13 Consider the removal of CC members who fail to attend 3 consecutive CC meetings, without tendering apologies or providing reasonable explanations for their absence.

## **10. POLITICAL BUREAU (PB)**

10.1 The CC shall meet immediately after the Congress and shall, through the consensus of at least 60% of the CC appoint from its ranks 11 members, who together with the elected office bearers, shall constitute the Political Bureau (PB). At least 7 of the additional PB members shall be appointed to specific portfolios, including organising, fund-raising, political education and international relations. If there is not the necessary consensus on the appointments, the CC shall elect the 11 additional members of the Politburo through a secret ballot. The national secretary of the YCLSA shall be an ex-officio member of the PB.

10.2 The PB shall conduct the current work of the SACP and shall exercise all the powers and functions of the CC between meetings of the CC, except those powers and functions which this constitution specifically reserves for plenary sessions of the CC.

10.3 The PB shall meet at least once a month. It shall establish whatever administrative structures it deems necessary to facilitate the carrying out of its decisions between meetings of the PB.

10.4 The CC shall constantly assess and evaluate the work of the PB, and where necessary, shall recall members of the PB.

10.5 Any member of the CC may, by invitation of the PB, attend any of its meetings.

10.6 The PB shall have the right by a two-third majority decision (excluding the comrade affected) to suspend any comrade from the PB for any serious misconduct detrimental to the SACP. Such a decision shall be enforced until the next plenary session of the CC which shall either confirm or reverse the PB decision.

## **11. DUTIES OF THE GENERAL SECRETARY**

The General Secretary shall be the leading National Office Bearer of the SACP according to conditions determined by the CC. The General Secretary shall be an ex officio member of all party structures and shall:

11.1 Keep (or cause to be kept) the minutes of all CC and PB meetings and such other books, records and archives as may be required.

11.2 Attend to the correspondence of the CC and PB.

11.3 Maintain regular personal and written contact with all the provinces and keep the membership informed of the work of the CC and PB.

11.4 Ensure that members of the CC are kept informed of the work of the PB in between meetings of the CC.

11.5 Draw up (or cause to be drawn up) all reports and documents as may be decided upon by the CC or PB.

11.6 The Deputy General Secretaries shall, as directed by the CC, taking into account their respective portfolios, deputise for the General Secretary in respect of all the functions set out above.

## **12. DUTIES OF THE NATIONAL CHAIRPERSON**

The National Chairperson shall rank after the General Secretary as a national office bearer of the SACP and shall be an ex officio member of all party structures. The National Chairperson shall:

12.1 Preside at all meetings of the CC and PB in conformity with the constitution and other rules and procedures adopted by these bodies.

12.2 Have a deliberative vote only.

12.3 The Deputy National Chairperson shall, as directed by the CC, deputise for the National Chairperson in respect of all the functions set out above.

## **13. DUTIES OF THE NATIONAL TREASURER**

The National Treasurer shall:

13.1 Under the direction of the CC and PB take all necessary measures to ensure that the SACP is provided with sufficient means to carry out its political and organisational tasks.

13.2 Dispose of such funds as the CC authorised by general or specific mandate.

13.3 Be responsible for the safe-keeping and administration of all property and monies of the SACP.

13.4 Keep such books and accounts as will clearly record and reflect the financial position of the SACP and submit statements of income and expenditure to the CC and PB at intervals to be determined by the CC and PB.

13.5 Under the direction of the CC present audited financial statements and written financial reports to the Congress.

13.6 Be the convenor of a Finance Committee appointed by the CC.

## **14. SUB-NATIONAL STRUCTURES**

14.1 The SACP shall have 9 provincial structures whose boundaries shall coincide with the boundaries of the 9 provinces of the country.

14.2. In each province, there shall be the following structures:

14.2.1 Provincial Councils and PECs.

14.2.2 District Councils and District Executive Committees (DECs).

14.2.3 Branches and Branch Executive Committees (BECs).

14.2.4 Where appropriate, Sub-Districts may be established.

## **15. PROVINCIAL CONGRESS**

Subject to the other provisions of this Constitution, the Provincial Congress shall be the highest structure of the SACP in each province. The Provincial Congress shall:

15.1 Be held every 3 years.

15.2 Be attended by elected branch delegates in proportion to their paid-up branch membership. All members of the PEC, and the District Secretary and Chairperson of each DEC shall be delegates. The PEC shall, subject to any directives that may be provided by the CC, decide on the number of voting delegates at the Provincial Congress to which the YCLSA in the province shall be entitled. One non-voting delegate from each Unit may attend.

15.3 Receive and consider reports from the PEC and, subject to the other provisions of the constitution, make whatever decisions it considers necessary to advance SACP organisation and policies in its province.

15.4 Elect the Provincial Secretary, Provincial Chairperson, Provincial Treasurer, Deputy Provincial Chairperson, 1st Deputy Provincial Secretary, 2nd Deputy Provincial Secretary, and up to 15 ordinary members of the PEC. The Provincial Secretary and 2 Deputy Provincial Secretaries shall constitute the Provincial Secretariat, led by the Provincial Secretary.

15.5 Only a person who has been in the SACP as a member in good standing for more than 7 years and has served in a SACP or YCLSA DEC for at least 4 years shall be eligible for election to a PEC.

## **16. THE PROVINCIAL COUNCIL**

Between Provincial Congresses, the Provincial Council shall be the highest decision-making body in the province. It shall:

16.1 Consist of all members of the PEC, the chairpersons and secretaries of each DEC, and delegates representing branches in proportion to their membership. The PEC shall, subject to any directives that may be provided by the CC, decide on the number

of voting delegates at the Provincial Council to which the YCLSA in the province shall be entitled. One non-voting delegate from each Unit may attend.

16.2 Meet at least once every 4 months.

16.3 Fill any vacant PEC positions provided that these do not exceed a third of the PEC.

## **17. PROVINCIAL EXECUTIVE COMMITTEE (PEC)**

The Provincial Executive Committee (PEC) shall comprise those elected in terms of 15.4, co-opted in terms of 17.8, and the Secretary and the Chairperson of each DEC as ex-officio members. The provincial secretary and provincial chairperson of the YCLSA shall be ex-officio members of the PEC. The PEC shall be the body responsible for carrying out all decisions of the Provincial Congress and the Provincial Council. It:

17.1 Shall decide who shall be full-time members of the PEC, provided at least one of the members of the Provincial Secretariat is full-time.

17.2 Shall meet immediately after its election to appoint a Provincial Working Committee (PWC) through the consensus of at least 60% of PEC members present at a quorate meeting. The PWC shall consist of all the Provincial Office Bearers and not less than 3 additional members of the PEC. The PEC shall decide on specific portfolios of the Deputy Provincial Secretaries, provided that these portfolios include organisation-building, campaigns and administration. The majority of the additional members of the PWC shall be appointed to specific portfolios. The PEC shall decide on the portfolios. A minority of PWC members may be appointed without portfolios. If there is not the necessary consensus on the portfolios or who should be appointed to them, an election by secret ballot shall be held for the additional PWC members. The provincial secretary of the YCLSA shall be an ex-officio member of the PWC. The PWC shall meet at least once every fortnight and implement all the decisions of the PEC.

17.3 Shall meet at least once a month.

17.4 Shall submit reports to the CC, the Provincial Congress and the Provincial Council as often as is required.

17.5 Shall appoint provincial organisers and other staff in consultation with the CC.

17.6 Shall organise, establish and service districts and/or branches in its province.

17.7 Shall establish appropriate provincial structures consistent with national guidelines to carry out political, organisational, financial and campaign tasks.

17.8 Shall, if necessary, co-opt up to 3 members into the PEC.

## **18. DISTRICT CONGRESS**

The PEC may form a District consisting of not less than 10 branches. After consulting with the PECs, the CC shall draw up a policy framework to determine the boundaries of districts. This policy framework shall take into account the boundaries and size of municipalities. Subject to the provisions of this constitution, the District Congress shall be the highest structure of the SACP in each district. The District Congress shall:

18.1 Be held at least once every 2 years.

18.2 Be attended by delegates elected by branches in proportion to their membership. All members of the District Executive Committee (DEC) shall be delegates to the District Congress. The DEC shall, subject to any directives that may be provided by the CC and PEC, decide on the number of voting delegates at the District Congress to which the YCLSA in the District shall be entitled. One non-voting delegate from each unit may attend.

18.3 Receive and consider reports from the DEC and, subject to the provisions of the constitution, take all decisions to implement the policies and programmes of the SACP in the district.

18.4 Elect the District Secretary, Chairperson, Treasurer, Deputy Secretary, Deputy Chairperson and a minimum of 8 and a maximum of 15 District Executive members. Only a person who has been in the SACP for more than 5 years as a member in good standing and has served in a SACP or YCLSA BEC for at least 3 years shall be eligible for election to the DEC. The District Secretary and District Chairperson of the YCLSA shall be ex-officio members of the DEC. The DEC may co-opt up to 3 additional members into the DEC. The DEC shall appoint a District Working Committee (DWC) immediately after the District Congress through the consensus of at least 60% of the DEC members present at a quorate meeting. The DWC shall consist of the District Office Bearers and not less than 3 additional members of the DEC. The majority of the additional members shall be appointed to specific portfolios. The portfolios shall be consistent with the portfolios established at provincial level. The District Secretary of the YCLSA shall be an ex-officio member of the DWC. The DWC shall meet at least once every fortnight, and implement all decisions of the DEC and higher structures where relevant.

## **19. THE DISTRICT COUNCIL**

Between District Congresses, the District Council shall be the highest decision-making body in the District. It shall consist of all members of the DEC and delegates in proportion to their branch membership. The DEC shall, subject to any directives that may be provided by the CC and PEC, decide on the number of voting delegates at the

District Council to which the YCLSA in the District shall be entitled. One non-voting delegate from each unit may attend. The District Council shall:

19.1 Meet at least once every 3 months.

19.2 Have the power to fill vacancies on the DEC provided they do not exceed one-third of its members.

## **20. DISTRICT EXECUTIVE COMMITTEE (DEC)**

The District Executive Committee (DEC) shall carry out the decisions of the District Congress and District Council. The DEC shall:

20.1 Meet at least once a month.

20.2 Supervise the collection of subscriptions.

20.3 Submit reports to the PEC, the District Congress and District Council on the state of organisation and the finances of the District.

20.4 In consultation with the PEC, appoint a District organiser and staff where possible.

20.5 Organise, establish and service branches.

20.6 In co-ordination with the District Council:

20.6.1 elaborate strategic, tactical and organisational tasks;

20.6.2 ensure full participation of SACP branches in SACP activities and in the national democratic and socialist struggles;

20.6.3 initiate, co-ordinate and support campaigns at local level;

20.6.4 spearhead and support programmes for socialist education; and

20.6.5 develop working class leadership on the ground.

## **21. SUB-DISTRICTS**

DECs may approve of the establishment of Sub-Districts in Districts that cover large geographical areas and have a minimum of 10 branches. The Sub-Districts shall comprise a minimum of 5 adjoining branches with a minimum of 500 members.

21.1 The CC, after consulting with the PECs, shall develop policy guidelines on the role and composition of Sub-District, which shall include the following:

21.1.1 A Sub-District Council comprising representatives of at least 3 branches in proportion to their membership, shall elect a Sub-District Executive Committee.

21.1.2 Only a person who has been in the SACP for more than 4 years as a member in good standing and has served in a SACP or YCLSA BEC for at least 2 years shall be eligible for election to the Sub-District Executive Committee.

21.1.3 The Secretary and Chairperson of each branch within the Sub-District shall be ex officio members of the Sub-District Executive Committee.

21.1.4 The Secretary of each YCLSA branch in the Sub-District shall also be ex-officio members of the Sub-District Executive Committee.

21.1.5 The Secretary and Chairperson of each Sub-District shall be ex-officio members of the DEC

## **22. BRANCHES**

The basic structure of the SACP is the branch, to be formed at a residential area or workplace, and every member shall be obliged to belong to a branch. After consultation with the PECs, the CC shall draw up a policy framework for the determination of the boundaries of branches. This policy framework shall take into account the ward and voting district boundaries within a municipality. The branch shall:

22.1 Consist of a minimum of 25 members.

22.2 Ensure that its members are given every opportunity to exercise their basic democratic right to discuss and formulate policies.

22.3 Ensure that it acts as a basic unit of activity for members by:

22.3.1 elaborating strategic, tactical and organisational tasks for the branch;

22.3.2 fully participating in the national democratic and socialist struggles;

22.3.3 initiating and co-ordinating campaigns;

22.3.4 conducting programmes on socialist education; and

22.3.5 developing working class leadership on the ground.

22.4 Assist members to fulfill their duties as defined in clause 5.9 above and interim members to meet the requirements for membership set out in 5.3 above.

22.5 Meet at least once a month.

22.6 Elect a BEC at an annual branch meeting consisting of a Secretary, Chairperson, Treasurer, Deputy Secretary and Deputy Chairperson and not more than 5 additional committee members. Only a person who has been a member in good standing for more than 3 years shall be eligible for election to the BEC, except in the case of a totally new branch, in which case those who have been conferred membership by the DEC or PEC, having served a year as interim members, may stand for election to the BEC. The BEC shall submit regular reports to the DEC.

22.7 Where a vacancy arises among the office bearers of the branch, the next Branch General meeting shall elect an interim office bearer, who will serve for the remainder of the period until the next AGM.

22.8 Only send a voting delegate/s to a SACP Congress, Conference, or Council at National, Provincial, District or Sub-District levels, if that branch has been in existence and functioning for at least 6 months.

## **23. PARTY UNITS**

23.1 Units of the SACP, consisting of a minimum of 4 members may be formed in circumstances where a branch cannot be formed. This unit shall be represented by one person on the nearest BEC. All the members of such a unit shall have all the responsibilities and duties of SACP members but do not have voting rights at Branch meetings or Sub-District or District or Provincial Councils and Congresses. Such units shall be allowed to exist and function for no more than one year without launching as a full branch, unless otherwise authorised by the DEC or PEC where a DEC does not exist or is not functional.

23.2 Units of the SACP consisting of a minimum of 4 members may also be formed in workplaces, with the approval of the DEC or PEC where a DEC does not exist or is not functional.

23.3 Units of the SACP consisting of a minimum of 4 members may also be formed to facilitate and encourage participation in SACP activities in a branch which covers a wide geographical area. The formation of such units within a branch must be approved at a branch general meeting.

23.4 Sectoral units of the SACP consisting of a minimum of 4 members may also be formed to advance SACP goals within different spheres of society. The formation and role of these units shall be determined by the CC or PEC, as appropriate.

23.5 Consistent with these provisions on Party units, the CC may provide guidelines on Party units.

## **24. QUORUMS**

24.1 The launch of new branches, branch AGMs and branch general meetings: more than 50% of the members.

24.2 Units: more than 50% of the members.

22.3 District Congress, District Council, Sub-District Council: more than 50% of the branches.

24.4 Provincial Congress and Provincial Council: more than 50% of the branches.

24.5 National Congress: more than 50% of the branches.

24.6 BEC, Sub-District Executive, DEC, PEC, PWC, CC, PB: more than 50% of the elected members on each of these structures.

24.7 If after one hour, the relevant constitutional structure has not quorated, the meeting is regarded as non-quorate.

24.8 Meetings which do not quorate shall re-convene between 2 and 14 days later. Delegates present at the said meeting shall form a quorum.

24.9 Interim members do not constitute part of any quorum.

## **25. DISCIPLINE**

25.1 (a) A member who is found guilty of a breach of any provision of this constitution or any other conduct detrimental to the SACP shall be subject to discipline by the SACP.

(b) The CC may adopt a list of offences in terms of which a member may be charged for a breach of SACP discipline.

25.2 (a) Disciplinary proceedings shall normally be conducted at the level where the alleged violation or offence took place, namely the branch, district, province or national.

(b) A BEC, DEC or PEC shall, where necessary, establish a disciplinary committee to hear disciplinary cases. (c) The CC shall appoint:

(i) A Standing Disciplinary Committee of not less than 2 and not more than 5 persons to hear disciplinary cases.

(ii) A National Appeals Committee whose composition shall be members of the SACP who are not members of the CC to hear appeals.

(d) The CC may direct that the disciplinary proceedings should be heard at a higher level than where the alleged violation took place.

25.3 (a) Any person facing disciplinary proceedings shall receive at least one week's notice of any hearing, as well as the basic allegations and charges against him or her and be afforded a reasonable opportunity to make his or her defence.

(b) The disciplinary proceedings shall be completed within 90 days of the member receiving the notice of hearing.

(c) No member shall be judged or disciplined without a proper hearing. This does not mean that sections 9.11 and 25.6 (c) may not be effected.

(d) The CC shall draw up rules of procedure to be followed during a hearing process.

25.4 Refusal to participate in a disciplinary hearing or to accept the authority of the relevant SACP structure to impose disciplinary action shall constitute a serious offence, requiring immediate suspension for a period of at least 60 days. At the end of this

period, the disciplinary hearing shall be restarted, and should the member repeat such refusal, the member shall be expelled from the SACP by the CC.

25.5 The case against a member facing disciplinary action shall proceed even if that member resigns or refuses to appear before the Standing Disciplinary Committee.

25.6 (a) Penalties for violations in terms of subsection 1 shall include a reprimand, payment of compensation, the performance of useful tasks, suspension or expulsion.

(b) The penalties imposed by a branch or district disciplinary committee shall be immediately reported to the PEC for approval before they come into effect.

(c) The PEC shall have the power to suspend members or impose lesser forms of punishment, which shall come into effect without prior approval of the CC, but such measure shall be immediately reported to the CC, which has the power to amend or reverse them.

(d) Expulsion shall be imposed only by the CC acting either on its own initiative or after receiving a fully documented recommendation from a PEC.

(e) A suspended member shall not be allowed to attend meetings of any SACP structure during the period of suspension except by special invitation.

25.7 (a) Any person found guilty in a disciplinary proceeding shall have the right to appeal to the National Appeals Committee. All appeals shall be submitted through the Provincial Council concerned or in the case of a matter heard by the Standing Disciplinary Committee, through the CC, within 30 days of the person being notified of the decision. The Provincial Council or CC shall forward the appeal together with all other relevant documentation to the National Appeals Committee.

(b) The lodging of an appeal shall not postpone the operation of the penalty.

(c) Any member of the SACP whose appeal has been rejected by the National Appeals Committee shall have the right to appeal against such a decision in writing to the next Congress. The written appeal shall be submitted to the PB within 3 months of the date the member is informed of the National Appeals Committee's decision.

25.8 The CC-approved report on disciplinary taken against a SACP member shall be referred to the National Secretary of the YCLSA for the attention of the YCLSA National Committee if the SACP member is also a YCLSA member. The YCLSA shall take the same action against the member as the SACP.

25.9 The YCLSA National Committee approved report on disciplinary action against a YCLSA member who is also a SACP member shall be referred to the SACP General

Secretary. The General Secretary shall refer the report to the SACP Standing Disciplinary Committee for its recommendation to the CC on what action, if any, should be taken against the YCLSA member.

## **26. AMENDMENTS TO THE CONSTITUTION**

26.1 This constitution can be amended by a majority vote at National Congresses.

26.2 All proposed amendments to the constitution shall be submitted in writing to the CC not less than 2 months prior to a National Congress. The CC shall ensure that all provinces, districts and other structures receive such amendments or any other amendments proposed by the CC not less than 6 weeks prior to the National Congress and all comments received shall be tabled at the National Congress. Amendments that do not meet these deadlines shall be considered by a National Congress, provided a two-thirds majority of the delegates agree that they may be considered.

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